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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,464	03/12/2004	Gregory L. Sibalich	ZM466/04004	7709
27868	7590	09/28/2005	EXAMINER	
JOHN F. SALAZAR MIDDLETON & REUTLINGER 2500 BROWN & WILLIAMSON TOWER LOUISVILLE, KY 40202			TRIEU, VAN THANH	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,464

Applicant(s)

SIBALICH ET AL.

Examiner

Van T. Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 16, 29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by **Cheng** [CAN 2,277,645].

Regarding claim 16, the claimed motion-sensing ceiling mounted light, comprising: a motion detector (motion detector 22, see Fig. 1, page 5, line 4); and the lamp shade (the lamp shade 12, see Fig. 1, page 4, line 17); and the base plate (plate 11, see Fig. 1, page 4, line 16); and the motion detector having a single spherical lens and the motion detector has a downwardly directed 360-degree range viewing field (the motion detector 22 includes a spherical translucent cap 24 downwardly 360 degree view, see Fig. 4, page 6, lines 2-13); and the motion detector mounted to the base plate and position within the lamp housing (the motion detector 22 is mounted to the base plate 11 via the extended rod 31 and within the lamp housing 12, see Fig. 4); and the lamp housing having an aperture through which the spherical lens extends (the lamp housing 12 includes an aperture for the spherical lens cap 24 threaded onto the threaded

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outer surface 23 of the motion detector 22, see Figs. 1, 3 and 4, page 5, lines 4-11 and page 6, lines 2-10).

Regarding claim 29, all the claimed subject matters are cited in respect to claim 16 above, and including the bottom panel having a hollow recess (the lamp housing 12 having an aperture for the spherical lens cap 24 of the motion detector 22 protrude through the lamp housing 12, see Figs. 1 and 4.

Regarding claim 31, all the claimed subject matters are cited in respect to claim 29 above.

Regarding claim 32, all the claimed subject matters are cited in respect to claim 29 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cheng** [CAN 2,277,645] in view of **Batko** [US 6,151,529] and **Chien** [US 6,168,282].

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Regarding claim 1, all the claimed subject matters are cited in respect to claim 29 above, and including the heat shield anterior to the motion detector case (the metal shields 41, see Fig. 1, page 5, lines 20-224); but **Cheng** fails to disclose the motion detector connected to a printed circuit board, wherein the printed circuit board, a sensitivity regulating switch, a time regulating switch, and a switch cover are enveloped within a motion detector case. However, Cheng suggests that the motion detector is visible and through appropriate circuitry, it initiates operation of the light located adjacent to the detector upon detecting of a movement or an intruder, see page 2, lines 6-18 and page 7, lines 18-19. **Batko** suggests that a switching system 10 for manually or automatically controls to operate a motion sensor and lights including a printed circuit board 46, a microprocessor 70, a timing mode, motion sensitivity adjustment 76 and photocell sensor 82, see Figs. 1, 3, 5, 8, 10, 14 and 19, col. 2, lines 18-44, 64-67, col. 3, lines 1-7, col. 6, lines 36-41, col. 8, lines 2-18, col. 9, lines 48-67, col. 10, lines 1-18, col. 23, lines 26-47 and col. 26, lines 28-31. Therefore, it would have been obvious to one skill in the art at the time the invention was made to add or implement the switching system of **Batko** to the circuitry of the motion detector of **Cheng** in order to increasing the efficiency and reliability operation functions of the combination between light and motion detector because **Chien** suggests that the conventional or integrated control type circuits and switches including dimmer, timer and photo-sensor for operating the combinations of light and motion sensor are known, and can be added to the light fixture by simply

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connecting them to the appropriate terminals of the electro-luminescent lighting element and power supply contacts/wires, see **Chien**, col. 5, lines 1-41.

Regarding claim 2, **Cheng** silence about the motion sensor is a passive infrared sensor for detecting moving sources of infrared radiation. Examiner takes an official notice of the IR motion sensor, which is well known for detecting movement and intruder.

Regarding claim 3, **Cheng** fails to disclose the sensitivity-regulating switch may be used to adjust a level of sensitivity of said motion sensor up to about 30 feet in any direction with the light mounted approximately 8 feet above the ground. However, according to the combination of the motion sensitivity adjustment switch between **Cheng** and **Batko** and **Chien** in respect to claim 1 above, it would have been obvious to one skill in the art to recognize that it is a user choice to manually adjust the sensitivity levels to cover a particular size of an area/room to be detected.

Regarding claim 4, the claimed adjustment illumination time after motion is detected are discussed between **Cheng** and **Batko** and **Chien** in respect to claim 1 above.

Regarding claim 6, the claimed plurality of socket assemblies (the two socket assemblies for two light bulbs 13 and heat shields 41, see Figs. 1 and 2.

Regarding claim 7, Cheng does not disclose the cross bar on an opposite side of the illumination source for ceiling mount. However, Cheng teaches that the base plate 11 for ceiling mount, see Fig. 4, page 3, lines 14-15. It would have been obvious to one skill in the art to recognize that it is a design choice to choose the cross bar or a single bar for mounted the light fixture to a ceiling, which are available in the market.

Regarding claim 8, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claim 1 above, and including the rubber plug and an extension cylinder (the cylinder rod 31 and PCB assembly, see Fig. 4.

Regarding claim 11, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claims 2 and 8 above.

Regarding claim 12, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claims 4 and 8 above.

Regarding claim 13, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claims 6 and 8 above.

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Regarding claim 14, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claims 1 and 8 above.

Regarding claim 15, the claimed ventilation holes are position circumferentially between the lamps shade assembly and the base plate (the ventilation/cooling holes 40, see Fig. 2, page 5, lines 9-17).

Regarding claim 17, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claims 1 and 3 above.

Regarding claim 18, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claims 1 and 17 above.

Regarding claim 19, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claims 1 and 17 above.

Regarding claim 20, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claims 1 and 17 above.

Regarding claim 21, all the claimed subject matters are discussed between **Cheng, Batko and Chien** in respect to claims 8 and 17 above.

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Regarding claim 22, all the claimed subject matters are discussed between **Cheng, Batko** and **Chien** in respect to claims 14 and 17 above.

Regarding claim 26, all the claimed subject matters are discussed between **Cheng, Batko** and **Chien** in respect to claims 2 and 17 above.

Regarding claim 27, all the claimed subject matters are discussed between **Cheng, Batko** and **Chien** in respect to claims 6 and 17 above.

Regarding claim 28, all the claimed subject matters are discussed between **Cheng, Batko** and **Chien** in respect to claims 15 and 17 above.

Regarding claim 30, all the claimed subject matters are discussed between **Cheng, Batko** and **Chien** in respect to claims 16 and 29 above.

Regarding claim 33, all the claimed subject matters are discussed between **Cheng, Batko** and **Chien** in respect to claims 1, 2 and 16 above.

Claims 5, 9, 10 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cheng, Batko, Chien** and further in view of **Haslam et al** [US 5,590,953] Regarding claim 5, the claimed decorating encircling the hollow recess (the translucent cap 24, see Fig. 4, but Cheng fails to disclose the lamp shade comprises a support frame and a frame base supporting a plurality of

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glass panel. However, Cheng discloses only a single glass cover/panel 12 attached to a base plate 11, see Figs. 1 and 4. **Haslam et al** suggests that a motion activated decorative lantern 20 having a single optical/glass lens and/or plurality of optical/glass lenses mounted on a frame, see Figs. 15 and 16. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the plurality of glass lenses of **Haslam et al** for the single glass of **Cheng, Batko** and **Chien** for creating different decorative lamp figures to be attracted to a user/buyer.

Regarding claim 9, all the claimed subject matters are discussed between **Cheng, Batko, Chien** and **Haslam et al** in respect to claims 5 and 8 above.

Regarding claim 10, all the claimed subject matters are discussed between **Cheng, Batko, Chien** and **Haslam et al** in respect to claims 5 and 8 above.

Regarding claim 23, all the claimed subject matters are discussed between **Cheng, Batko, Chien** and **Haslam et al** in respect to claims 5 and 18 above.

Regarding claim 24, all the claimed subject matters are discussed between **Cheng, Batko, Chien** and **Haslam et al** in respect to claims 5 and 23 above.

Regarding claim 25, all the claimed subject matters are discussed between **Cheng, Batko, Chien** and **Haslam et al** in respect to claims 5 and 23 above.

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young discloses a switch assembly actuated by infrared radiation over 360 degrees for operating a ceiling light in a room. [US 4,823,051]

Myron et al discloses a method, apparatus and system for controlling a modular lamp with a motion sensor. [US 6,940,230]

Scripps et al discloses a combination detector and light assembly including a closed housing, a control circuit and an alarm system. [US 4,717,910]

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long, sweeping horizontal line extending to the right.

Van Trieu
Primary Examiner
Date: 9/23/05